

REMARKS

Currently, claims 1-17 are pending.

Drawings

The drawings were objected to. In relation to the features not shown in the drawings, Applicants invite the Examiner's attention to Figures 5 and 6 which designate the valve as 26 and 30 respectively. The valve itself is clearly depicted in the drawings. The only feature not depicted in the drawings is therefore the manual adjustment mechanism, or the electromechanical actuator. The elastic functionality is depicted as the springs 70 and 71 respectively. Applicants submit new Figures 13 and 14 showing the manual adjustment 1300 and actuator 1400 respectively. Corresponding reference to these Figures has been added to the Description. Applicant submits that no new matter has been introduced by the addition of these drawings. Entry of new Figures 13 and 14 is requested.

Claim Rejections - 35 U.S.C. §112

Claims 2-5 and 9-15 were rejected under 35 U.S.C. §112, second paragraph, because of lack of antecedent basis. Reconsideration and withdrawal of the rejection in view the amendments to the claims is requested.

Claim 2 has been amended to specify said "gas" instead of "said gases flow" and has amended several other claims to specify "gas" instead of "gases" to ensure proper antecedent basis.

Claims 7 and 8 have been amended to define the restriction, thereby providing proper antecedent basis for claims 9-12.

Claim 11 has been amended to change “valve means” to “valve” and “humidification chamber means” to “humidifier”.

Claim 15 has been amended to change “gases transportation pathway means” to “conduit”.

Therefore, Applicants submit that claims 2-5 and 9-15 are allowable. Reconsideration and allowance of the claims is requested.

Other minor clarifying amendments were made to the claims. Entry of same is requested.

Allowable Subject Matter

Applicants acknowledge that claims 1, 6-8, 16 and 17 were allowed, and that claims 2-5 and 9-15 would be allowable if rewritten to overcome the rejections under 35 U.S.C. §112, second paragraph, set forth in the Office Action. Applicants submit that the claims are now in condition for allowance.

Certified Copy of Priority Document

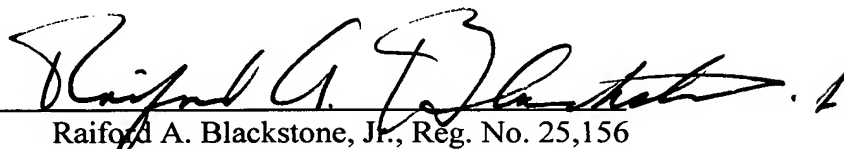
The Examiner indicated that the certified copies of the priority documents have not been received. Applicants advise that the certified copy was filed in the parent application Serial No. 09/808,567. A copy of the Transmittal and the return postcard from the parent application Serial No. 09/808,567 is enclosed. Acknowledgment of the completion of the priority claim is requested.

In view of the above, Applicant respectfully submits that the claims of the application are allowable over the rejections of the Examiner. Should the Examiner have any questions regarding this Amendment, the Examiner is invited to contact one of the undersigned attorneys at (312) 704-1890.

Respectfully submitted,

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By: _____

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